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OFFICE OF PETITIONS

Polsinelli Shughart PC
700 W. 47th Street
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Kansas City, Missouri 64112-1802

In re Application of	:	
Adam John WALKER	:	DECISION GRANTING PETITION
Application No. 10/599,694	:	UNDER 37 CFR 1.137(b)
Filed: 19 January 2007	:	
Atty. Docket No.: 051922-408167	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 18 December 2009, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the non-final Office action mailed 24 March 2009 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. The application became abandoned on 25 June 2009, with notification mailed 28 September 2009.

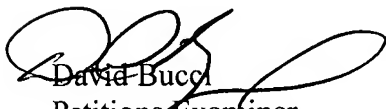
A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00 extension of time fee submitted with the petition on 18 December 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center AU 1796 for further action on the filed Response.



David Bucco
Petitions Examiner
Office of Petitions